

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JEAN COMAS,

Petitioner,

v.

BRUCE CHADBOURNE,

Respondent.

CIVIL ACTION

NO. 04-10691-PBS

O R D E R

SARIS, D. J.

On April 5, 2004, counsel for petitioner Jean Comas, a native of Haiti and an immigration detainee currently confined at the Plymouth County Correctional Facility, filed a petition for a writ of habeas corpus under Section 2241 and an emergency motion to stay removal.

ACCORDINGLY

(1) The Clerk shall correct the case caption to reflect that the only respondent to this action is Joseph McDonough, the Sheriff of Plymouth County. A writ of habeas corpus must be "directed to the person having custody of the person detained." 28 U.S.C. § 2243. Petitioner's legal custodian is the sheriff of Plymouth County, the individual having day-to-day control over the facility in which petitioner is being detained. Vasquez v. Reno, 233 F.3d 688, 694 (1st Cir. 2000), cert. denied, sub nom. Vasquez v. Ashcroft, 122 S. Ct. 43 (2001); see Mass. Gen. Laws ch. 126 § 16 (sheriff shall have custody and control of the jails in his county.. .and shall be responsible for them);

(2) The Clerk of this Court shall serve a copy of the Petition, by certified mail, upon (i) Joseph McDonough, Sheriff of Plymouth County, 26 Long Pond Road, Plymouth, MA 02360; (ii) the United States Attorney; AND (iii) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728, JFK Station, Boston, MA 02114 AND

(3) The Respondent shall, within 21 days of receipt of this Order, file an answer or

other responsive pleading to the Petition and the motion for a stay of removal.

(4) The Respondent shall provide the Court with at least 48 hours advance notice of any scheduled deportation or removal of petitioner.

SO ORDERED.

4/6/04
Date

s/ Patti B. Saris
United States District Judge

(2241serv\INS.wpd - 09/00)

[2241serv.]